

From: Wynn Wacker
To: Microsoft ATR
Date: 1/27/02 12:47pm
Subject: Comments regarding the Microsoft settlement

Sunday, Jan. 27th, 2002

This morning at about 8:30 AM, my phone rang with recorded message from Americans for Technology Leadership, an organization which is quite evidently a front for the interests of Microsoft in the anti-trust litigation which it is currently engaged in. The requested my comments regarding the settlement and I have decided to response.

I have watched the developments in Microsoft ever since the introduction of the first PC. The company has a long history of foisting its application software on the public by leveraging its near-monopoly in operating systems (MS-DOS, Windows) through the use of unethical and illegal trade practices. This has been thoroughly documented by Federal prosecutors. I can say from personal experience that early Microsoft applications software was generally clearly inferior to that of its competitors when it was introduced, and it is unlikely that it would have penetrated the market to the extent it has in the absence of the aforementioned trade practices. I personally resisted using MS application software for as long as I could. I was forced to switch when so many people in the business I worked were familiar only with MS applications because they were the default on shipped computers (due to monopoly practices) that I would have to go along. Some of my coworkers held out on certain packages, such as spreadsheets, until this year. The only individuals I have ever encountered which prefer Microsoft applications are those who have never extensively used the competitions software.

I'm a scientist in the R&D department of a medical equipment firm, so I make extensive use of the Excel & Word software packages as part of Microsoft Office. It is virtually a daily event that people come to me asking how to perform simple operations in this software. These are people with advanced degrees in engineering and science, highly computer literate, and with experience with MS software. They are unable to locate the instructions they need in the notoriously unhelpful Help instructions included with the software, something which has been one of its long-standing features. It's also virtually a daily event that some of the applications software will crash in the middle of use, accompanied by an informative message such as "This program has performed an illegal operation and will be shut down". It is more in the purview of the IT department than mine, but I should also like to remind the Court of the incredibly poor track record of MS software when it comes to security. Even their security patches sometimes need security patches!

The greatest joke of all is that Microsoft is trying to defend itself as a technology leader. It has almost always been a follower, coming out with mediocre me-too products and using its monopoly power to crush the real

innovators. The latest round of litigation was set-off by just such an event. Netscape pioneered the development of easy-to-use internet browsers and Microsoft came back to crush them by giving away its browser through the ruse of incorporating it in its monopoly operating system. I know just how un-innovative Microsoft is, because, over the years, many of the software engineers I have worked with have gone to lengths to escape the Windows OS by going to Unix, Linux, etc. They can only do this for their personal computers since the business world is trapped in the Microsoft monopoly.

As were many others, I was heartened when it looked like it was possible that the courts might do the right thing and split apart the OS and applications portions of Microsoft. The company, of course, complained that there was no way to restore the competitive environment to the state it was in when it engaged in its illegal activities. Of course, under such a doctrine no murderer should ever be punished because it is impossible to restore the victim to life. Evidently political influence of the variety evident in the recent Enron debacle has prevented this wisest of settlements. Microsoft now wishes to foist a settlement on those litigating on behalf of Microsoft's many victims. I wish to remind the Court that a free market can only exist if the rules of honest competition are enforced. Microsoft has repeatedly disregarded its agreements to abide by fair practices.

I ask the Court not to interfere with the further pursuit of restitution from Microsoft by litigants in this case and wish the Court to take cognizance of the arrogant attempt by Americans for Technology Leadership to artificially generate support for Microsoft.

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